

REMARKS

The Examiner is requiring restriction in the above-referenced application as follows:

Group I: Claims 1-11, 22, 23, 36, 37, 39-43 and 45, drawn to a mammalian hepatic cell line;

Group II: Claims 12-20, drawn to a method for producing a mammalian hepatic cell line;

Group III: Claims 21, 38 and 46, drawn to an *in vitro* method for generating differentiated liver cells or liver tissues from a mammalian hepatic cell line;

Group IV: Claims 24-33, drawn to *in vivo* method for administering a hepatic cell line to a mammal;

Group V: Claim 34, drawn to a method of identifying a compound that alters development of a mammalian hepatic cell line; and

Group VI: Claims 35 and 44, drawn to a non-human animal comprising a hepatic cell line.

Additionally, and separately, the Examiner is requiring the election of one of the following species: 1) an undifferentiated non-transformed mammalian hepatic cell line; 2) a differentiated non-transformed mammalian hepatic cell line; 3) an undifferentiated transduced or transformed mammalian hepatic cell line; or 4) a differentiated transfused or transformed mammalian hepatic cell line.

Applicants have provisionally elected, with traverse, Group I: Claims 1-11, 22-23, 36-37, 39-43 and 45, drawn to a mammalian hepatic cell line, for further prosecution. Further, Applicants have provisionally elected the species: an undifferentiated non-transformed mammalian hepatic cell line. Claims 1-4, 8-15, 17-20, 22, 23-27, 31-33, and 35-37 read on the elected species.

Applicants traverse the Restriction Requirements on the grounds that a search of all the claims would not present an undue burden.

MPEP subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that having to search all the claims would not impose a serious burden on the Office. Withdrawal of the Restriction Requirement is requested.

Further, Applicants note that MPEP §821.04 states:

If the Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected Group be found allowable, the non-elected process claims should be rejoined.

Finally, Applicants request, should the elected species be found allowable, that the Office expand its search to include the non-elected species.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Charles J. Andres Jr., Ph.D.  
Registration No. 57,537

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)